Previous references.
for 170-09

1909-10
(Gen. Mis.)

for. File No. 170-09

Serial Nos. 4 & 5

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 4 & 5

Part B. for May 1910.

SUBJECT.

Gaekwar's Titles & Presents.
Recognition or Renewal of titles conferred by the Mysore Durbar by the other Durbars and by the Govt of India. (vide Mr. C. J. Dalal's case).

4. From Mr. C. J. Dalal. Hyderabad. d. 5. 2. 1910
Forwards copy of a.D.O. note 30/F.S. dated 2.2.1910 from Sec. to H.H. the Hyderabad State and requests if the Sanction of Govt of India was obtained and if not requests that the same may now be obtained.

5. To. C. J. Dalal. Esq. No. 6058. dated 19.5.1910
States that the Sanction of Govt of India is not necessary for the titles conferred by the Durbar and the recognition or Renewal of such titles is entirely optional on the part of the other States.

G.R.S. 11] 1909.- 10

GENERAL AND REVENUE SECRETARIAT

(Genl Secs)

NOTES.

File. No. 170

FILE HEADING.

Gandhabhenuda titles & presents

From

Raja Sabha Bhushana Mr C. T. Dalal

No. Dated 5. 2. 10 Received 8. 2. 10.

Diary No. 3191	Enclos. one Spare Copies. -	Serial No. 4

BRIEF ABSTRACT OF LETTER.

Forwards copy of letter dt 2. 2. 10 from the Secy P. W. D. Mysore. had requested to be informed if the sanction of the Govt of India was obtained for conferring on him the title of Raja Sabha Bhushana' & also if not also requested that the same may be obtained now.

NOTES AND ORDERS.

Submd for orders. ~~Mr Dalal~~ The title referred to was conferred on Mr Dalal during the Dasara of 1904.

Secy 9/2/10

Secy) Secy 10/2

NOTES—First sheet.

GPB—30,000—20-3-06.

G.R.S. 12]
General and Revenue Secretariat.

G.R. File No. 170 of 1909-10.

(2)

Serial No.

1 Putting the file re the titles

4/2/10

Chg

2 Srib The file req: is put up

17/2/10

Seey)

J.C.R. 18-2-10

4 The available references about the institution of Titles in Mysore are not quite complete and continuous.

5 In January 1888 the Resident wanted information as to whether it was the practice in Mysore to grant any titles to persons who held any specified offices and to this a reply was made that there was no such practice in vogue.

Flag A.

B

C

6 In November 1889 Mr. P. Chentsal Rao, then Councillor prepared a draft proclamation "as directed by H.H. the Maharaja and the Dewan," on the subject of conferring honors on the subjects of the Mysore Province. The draft contemplated the creation of an order of distinction to be known as the "order of the Wadeyars of the Mysore Province". The title was changed to the "order of the Ganda-Bherunda of Mysore" in a revised draft prepared by the Dewan in May 1891. In September 1891 the Dewan - with the approval of H.H. the Maharaja - addressed the Resident sending a copy of the draft proclamation. In

Flag D

E

NOTE—Contn. sheet.

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Serial No.

Hag. F.

October 1891 the Resident replied that the Government of India could not "approve of the proposed orders of distinction" and observed that "a very similar proposal was submitted by the Hyderabad State in 1885 and was rejected The Government of India prefer Native States to adhere to their own customs in these matters and are not in favour of any attempt to found orders on European models". The idea of issuing the proclamation was then dropped.

11 In a reply to the Residency letter, drafted but not issued, it is stated as follows: " The Mysore customs in such matters have now been in disuse for nearly a century and half. From enquiries made, the old custom appears to have been to confer a title composed for the occasion on distinguished individuals together with dresses of honor, horses, elephants, palanquins &c and in special cases with Jahgirs and money grants. As in the present day we cannot be expected to give valuable presents in recognition of merit, the plan of giving titles composed as of old according to what is appropriate in each case is perhaps the best plan to adopt and the giving of such titles may be accompanied by the gift of a comparatively cheap Padaka or Thoda in the place of the valuable presents customary in olden times."

Hag. G.

87 Apparently the view stated above was accepted and in the Dasara of 1892 titles were conferred on Mr. Sabapathi Mudaliar, Mr. Arcot Narayanasami Mudaliar, and three others. The kanarese proclamation issued on this occasion prefaces the grant

Hag. J.

—do—

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with a declaration of His Highness' intention "to revive the ancient custom of the State in the matter of the grant of suitable titles and rewards to persons who have deserved the gracious favour of the ruler."

Flag K.

9) -- In the Dasara of 1893 titles were conferred on 8 gentlemen including Sir K. Seshadri Iyer, Mr. T. Thambu Chetty, Mr. Chentsal Row, and Mr. Courpalais. Subsequently titles have been granted from time to time.

Flag L.

10) The title of Raja Sabha Bhushana was conferred on Mr. Dalal in October 1904.

11) It will thus be clear that no specific sanction of the Government of India was asked for or obtained for granting these titles, but that the ancient custom in the matter has been revived and followed. I do not find from the records that in any case the sanction of the Government of India was sought for any title conferred on any person on the score of his being a British Indian subject. The titles have been given only to persons connected with Mysore, who, even if not natives of Mysore by birth, were so intimately connected with the State and were so long resident in it as to be regarded as having acquired a Mysore domicile. Of the person on whom titles have been conferred, I believe, subject to correction, that the following were not natives of Mysore by birth -

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Serial No.

1. Arcot Narayanasami Mudaliar.
2. Sabapathi Mudaliar.
3. Sir K. Seshadri Iyer.
4. P. Chentsal Row.
5. T. Thamboo Chetty.
6. H. Courpalais.
7. Amble Narasimmiengar.
8. A. Ramachandra Iyer.
9. A. Rangaswami Iyengar.
10. Pandit Sundara Sastri.
11. C.T. Dalal.
12. C. Srinivasiengar.
13. H.J. Bhabha.

In none of these cases was the sanction of the Government of India considered necessary.

These are the facts and precedents.

Coming now to the question, raised by Mr. Dalal, whether the sanction of the Government of India is necessary for the grant of a title by a Native State to a British subject, I append an extract from Lee-Warner's "Protected Princes of India" which bears on the point. So far as the argument applies to protected princes in regard to each other or to foreign rulers it seems to be clear enough, but it is also implied that it applies to a Native Chief granting honors to a British subject. The Hyderabad case of 1875 seems to be in point, though in that case it is not clear whether a European British subject was not concerned.

In the Residency letter of 9th January 1888 (above referred to) the following passages occur, -

"I am ..... to ask you to inform the offg.

Paper under disposal.

Flag M

Flag A.

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Resident whether it is the custom in Mysore to grant any ex-officio titles to officers who are not British subjects ..... . It being of course understood that no titles can be granted to British subjects without the previous consent of the Government of India".

15 The above passages seem to make it clear that no titles can be granted to British subjects without the previous consent of the Government of India. In Stephen's commentaries on the Law of England (Vol. 2 page 522) it is stated that the law of England prohibits all subjects of the realm from accepting any title or decoration from a foreign prince unless with the consent of their own Sovereign.

16 But as already stated above the gentlemen on whom titles were conferred, who were not natives of Mysore by birth were long in the service of the State or resident therein and might be and were considered to have acquired a Mysore domicile, so that for that reason the sanction of the Government of India was apparently considered unnecessary.

17 Unless this was ~~so~~ the case, the Residency would surely have brought the matter to the notice of the Durbar, as the grant of titles to men like Sir K. Seshadri Iyer, Mr. T. Thumboo Chettiar, Mr. Chentsal Row and Mr. Courpalais could not but have attracted their attention.

18 There is no general naturalisation law in force in Mysore, but the Indian Succession Act as

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in force in Mysore contains some provisions in regard to domicile so far as it affects succession in certain cases. The provisions appear to expound the generally accepted principles as regards domicile. According to those provisions and according to general principles, a man retains the domicile of his birth till he acquires a new domicile. A new domicile in a country other than that of a man's birth is acquired by a fixed residence in that country. This is subject to the qualification that a man is not to be considered as having taken up his fixed habitation in a country merely by reason of his residing there in the Civil or Military service or in the exercise of any profession or calling. What is of importance is the intention to reside permanently. When the intention is present and so long as it is not given up, the new domicile is acquired and retained. When, however, the man leaves the country with the intention of permanently residing elsewhere the domicile apparently ceases to exist and the man acquires a new domicile. If the man has no intention of residing in the country permanently he does not acquire the new domicile at all.

Applying these principles to the case of Mr. Dalal, he had by birth a British Indian domicile - as it is believed that he was born in British India. He lived for several years in Mysore both before and after his taking up Government service. If during this period he entertained the intention of permanently residing in Mysore he would have acquired a Mysore domicile. If he had entertained no such intention

?

NOTE—Contn. sheet.

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he would not have acquired a Mysore domicile but retained his British Indian domicile of birth.

20 After a long stay in Mysore he left the State to take up service in Baroda and perhaps he is now in service in Hyderabad. If he had acquired a Mysore domicile and if when he left Mysore he left it not for good but with the idea of returning there after service elsewhere he would still retain his Mysore domicile.

21 If it had been his intention, however, to leave Mysore for good, his Mysore domicile would have left him and he would have reverted to his British Indian domicile which he would retain during his temporary employment in Baroda, Hyderabad or elsewhere.

22 There is no information as to what Mr. Dalal's intentions in respect of his permanent residence have been or are at present.

23 If he had not acquired a Mysore domicile in 1904, the grant of the title to him by H.H. the Maharaja without the sanction of the Government of India and its acceptance by Mr. Dalal without such sanction would both be irregular.

24 But if he had acquired a Mysore domicile at the time no sanction of the Government of India would have been necessary and there would have been no impropriety in the grant of the title to him.

25 If he had a Mysore domicile when the title was granted and if he lost that domicile subsequently and acquired a new domicile, the latter fact can not, it is submitted, affect the grant of the title or

NOTE—Contn. sheet.

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3191

render any sanction of the Government of India necessary for its retention.

2b If such is the case, and the probabilities point to that conclusion, it is unnecessary to move the Government of India at present. It seems undesirable for other obvious reasons also to approach the Government of India for a solution of difficulties in a matter in which the State is guided by ancient practice. Whether the Hyderabad Durbar will accord any and if so what recognition to the title granted by the Mysore Durbar seems to be a matter for the consideration of that Durbar having due regard to inter-State courtesies in such matters.

2d If approved, Mr. Dalal may be informed that when the title was granted to him it was done under the bonafide belief that he had a Mysore domicile, that no sanction of the Government of India was necessary under the circumstances, that even if he has now acquired a new domicile no sanction of the Government of India is required for his retaining the title, that in these circumstances the Durbar do not propose to move the Government of India in the matter, and that in regard to recognition by the Hyderabad Durbar, the matter may be left to their discretion in the light of the circumstances above explained.

4833 3.3.10

Dewan) Yes - Please do as you propose

CSB 21/3/10

2a) Please put up draft

2d) Secretary) Draft put up 26/3/10

CSB 23/3/10

NOTE—Contn. sheet.

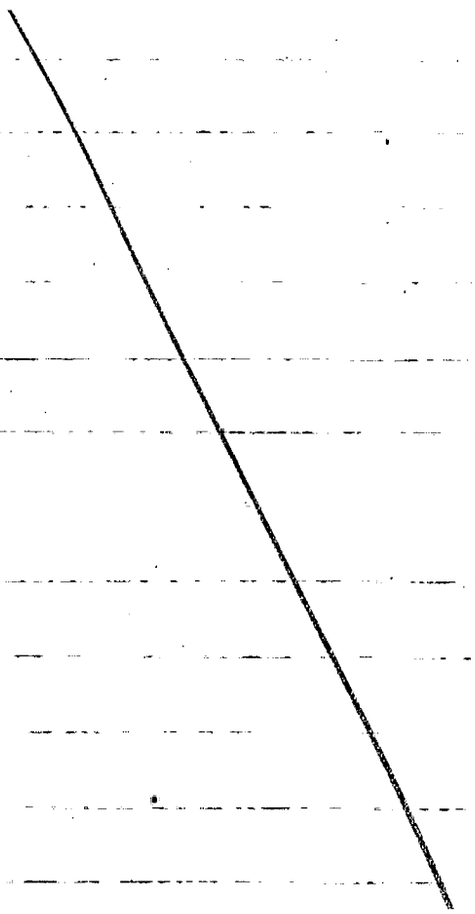
GPB—50.000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

Gen File No. 170 of 1909 Rev

10

Serial No.	
	5 Draft submitted Dewan
3191 / 5511 / 12.4.10	Returned to the Bds approved [illegible] 11/4/10



NOTE—Contn. sheet.

GPB—50,000—13-5-08

(11)

Submitted to His Highness.

I submit herewith a letter from Rajasabhabhushana Mr. C.T. Dalal, with which he encloses a copy of a communication received by him from the Secretary, D.P.W., Hyderabad State, on the subject of his title of Rajasabhabhushana, enquiring whether the title was conferred after obtaining the permission of the British Government.

2. The draft of a reply is also submitted for approval. It is to the effect that no such permission has been obtained nor was considered necessary for reasons explained.

29 IV 40

D 3191 (2)

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

No: 1145
3-5-10

Letter from Mr.C. T. Dalal enquiring whether the Mysore title of Raja SabhaBhushan was conferred on him after obtaining the permission of the British Government.

868

Order.

~~KRW~~
9/5/10

Seen
10/5/10

Issue
14/5/10

14/5/10

14/5/10

G. R. S. 12]
General and Revenue Secretariat.

G. R. File No. 170 of 1909 (13)

Serial No.	
5	Letter No. G 605 8 dated the 19th May 1910 to C. T. Dalal Esq — Intimates that the sanction of the Govt of India is not necessary ~~that~~ that the Durbar do not intend moving the Govt of India in the matter now and that it is entirely within the discretion of the Hyderabad Durbar to recognise the title or not.

Rec'd

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Extract from Lee-Warner's "Protected Princes of India."

C H A P T E R XI.

Obligations derived from the Royal Prerogative.

\+ + +

\+ + + +

126. Since the Sovereign grants honours, salutes, and titles, whether personal or official, it is also the prerogative of the Crown to settle the conditions under which they may be accepted from foreign Sovereigns. Regulations on the subject were published in the official Gazettes of India in 1886, and have since been republished. Foreign powers can have no intercourse with the protected sovereigns of India, and this rule of isolation precludes the direct transmission of royal favours. Occasionally, Native chiefs have sought a privilege from another chief, or desired to confer a title on a British subject. In each case it has been held that the act was inadmissible as an invasion of the royal prerogative. Thus in April 1886, a chief in Central India desired to receive a gold chain Toda from the "famous house of Kolhapur." The request was courteously declined. In 1875, the Nizam of Hyderabad proposed to confer the title of Mustakil Jung Istikam-ud-Dada Bahadur on a British officer, but the title was not recognised. On the other hand Native sovereigns have conferred titles on their own subjects.

Acceptance of foreign orders.

C8B 24/2/10

Hyderabad (Deccan),
5th February 1910

To

The Secretary to Government,
of H.H.the Maharaja of Mysore,
Revenue & General Department.

Sir,

I beg to submit copy of a D.O. note No. 30/P.S. dated 2-2-1910 from Secretary, D.P.W., Hyderabad State and to request the favour of being informed if Covernment of India sanction was obtained and if it was not I beg to request that the same may kindly be done now.

I beg to remain,

Sir,

Your most obedient servant,

C. T. Dalal

(1)

Office of Secretary to Government
Public Works Department.
D.O.No.30/P.S.B/ 2-2-1,10.

My dear Dalal,

With reference to your No.1139 of 30th October 1909, I am desired by H.E. the Minister to write and request you to kindly inform whether the Title of Raj Sabha - - Bhushan was conferred upon by the Mysore - Government after obtaining the permission of the British Government or not?

You being a native of the British Territory, no title can be recognised by - this Government until it is permitted by the Government of India.

Yours sincerely,

Sd/ Fazil Mooraj,

"TRUE COPY".

C.T Dalal

(2)

[G.R.S. 26]

Gen File No. 170-09
Serial No. 5

Diary No. of letter replied to 9/9th

No G 6058

General and Revenue Secretariat
( )
the 190

To
C. J. Dalal Esqre
Hyderabad (Deccan)

Date of issue 19th May 1910

Signed by Mr B. Ramaswamy

Sir,

With reference to your letter of the 5th Feby last requesting to the Mysore Durbar had obtained be informed if the sanction of the Govt. of India ~~had been obtained~~ to the conferment on you of the title of Raja Sabha Bhushana ~~of the Mysore Durbar~~, and if not, that the same may be done now, I am directed to state as follows.

2. In accordance with the ancient and well-recognized practice of the Mysore Durbar in the matter of conferring titles &c

over.

SUBJECT.

(2) Others of the State
as ~~his~~ subjects, ~~whom they considered fit to honour~~
the title of Raja Sahib Bhushana
was conferred on you in the
year 1904. As you ~~had~~
resided in the Mysore State for
several years ~~both before and~~
~~after taking up first service~~,
and had thus apparently acquired a
Mysore Domicile, the title was
conferred on you under the bona
fide ~~belief~~ impression that you were a domiciled
subject of the State, and the
sanction of the Govt of India
was not necessary for the
bestowal of the title, though such a sanction
would have been essential
in the case of a British Indian Subject.

The question you have raised depends chiefly on the point whether you were or were not a subject of the State by domicile for the purpose when the title was conferred on you.

3. Again, if after leaving
Mysore you ~~happen to~~ have reverted to your domicile of birth or
acquired a new domicile
elsewhere, the sanction of
the Govt of India does not
appear to be necessary

List of enclosures

Copied by

Examined by

GPB—10,000—20-4-05.

(4)

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

even a mala case, for.
your retaining the title
previously bestowed on you by this State
on the ~~single~~ exercise of
its recognized powers

4 In these circumstances
the Ruler Dubai do not
propose to move the Govt. of
India in the manner suggested
by you in according sanction
to the title conferred on you
by the Hyderabad
Durbar recognizing or not, the title
so conferred, I am to state that
it is a matter entirely within
their discretion to decide, in
the light of the circumstances
set forth above

I have &c

C.S.I.

Offg. Secy to Govt

Dy
26/3/10

copied by
B Krishna Murthy
17-5-10

MGCPB—30,000—5-4 05.